

May 7, 2014

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel

Commissioner Ajit Pai
Commissioner Michael O’Rielly
c/o Marlene H. Dortch, Secretary

Federal Communications Commission
445 12th Street, S.W., Room TW A325
Washington, D.C. 20554

Re: Ex Parte Filing of the Performing Arts Alliance in WT Dockets Nos. 08-166 and 08-167 and ET Docket No. 10-24 and GN Docket No. 12-268, Broadcast Television Spectrum Incentive Auction

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, Commissioner O’Rielly and Ms. Dortch,

The Performing Arts Alliance (PAA) is a national network of more than 33,000 organizational and individual members comprising the professional, nonprofit performing arts and presenting fields. For more than 30 years, we have been the premiere advocate for America's professional nonprofit arts organizations, artists and their publics before Congress and key policy makers. Through legislative and grassroots action, the Performing Arts Alliance advocates for national policies that recognize, enhance, and foster the contributions the performing arts make to America. Our member organizations include: Alternate ROOTS, American Composers Forum, Association of Performing Arts Presenters, Chamber Music America, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, National Alliance for Musical Theatre, National Association of Latino Arts and Cultures, National Performance Network, Network of Ensemble Theaters, New Music USA, OPERA America, and Theatre Communications Group.

We understand that the agenda for the upcoming May 15 FCC Open Meeting includes several items that will affect the operations of wireless microphones used in the performing arts: consideration of a Report and Order that adopts key policies and rules for the broadcast television spectrum incentive auction, and consideration of a Report and Order that provides a limited expansion to the class of wireless microphone users eligible for a license.

We appreciate efforts so far to recognize and protect wireless microphones used in the performing arts. We look forward to continued cooperation with the FCC in working toward a smooth transition in the shared use of the spectrum.

Toward that end – in advance of the upcoming Open Meeting – we want to follow-up on previous filings that many of our organizations have made and meetings we have had with the FCC. PAA continues to advocate for the protection of wireless microphones used in the performing arts.

Retention of Reserved/Safe-Haven Channels

We urge the FCC to continue to include two safe-haven channels in its plan to re-pack and re-organize the broadcast spectrum. There are thousands of professional performing arts organizations across the country that operate with fewer than 16 wireless devices and they need the interference protection of these channels.

Maintaining these two safe-haven channels is critical in protecting smaller and mid-sized professional performing arts performances from interference – especially those outside of major urban areas. If the safe-haven channels were eliminated, smaller performing arts entities would then need access to the database.

Expansion of Part 74, Subpart H Licensing Should Include the Performing Arts

We are encouraged to see on the FCC Open Meeting Agenda that an expansion of eligibility for licenses is being considered for wireless microphones. PAA continues to urge the Commission to be as equitable as possible in this expansion. Eligibility should be allowed for performing arts organizations with 500 seats or more that exhaust the two safe-haven channels and other available channels in their location. For the professional not-for-profit performing arts, we urge eligibility for a license for performances utilizing 25 microphones or more.

Eligibility of Entities in the Performing Arts for Licensing

We recommend that eligibility for Part 74 Licenses be given to: 1) owners or operators of venues that present the performing arts; 2) producers of the performing arts such as dance, opera, theatre, and symphony orchestras; and 3) professional audio service contractors/suppliers of professional production systems used in the performing arts.

Access to the Geo-Location Database

Since the FCC's September 2010 Ruling, the national performing arts service organizations have worked to educate our members about this database. We inform them that for events requiring more than the two safe-haven channels and other channels available in certain locations, they could apply to participate in the geo-location database.

Professional performing arts organizations should all have some sort of interference protection under this plan. Small and mid-sized professional performing arts entities will be protected by the two safe-haven

channels, and larger entities will be protected by access to the geo-location database. If there are no safe-haven channels, then the threshold for registering in the geo-location database should be lowered to provide interference protection for performances using a smaller number of wireless microphones.

Performing Arts Investment in Wireless Technology & Offsetting the Costs of Possible Wireless Microphone Transition

Performing arts organizations in the United States have made substantial financial investments in their technical equipment, including wireless microphones and backstage communications devices, in order to produce and present performances of the highest caliber, which our audiences have come to expect.

As you know, wireless microphone users, including those in the performing arts, were required to cease operations in the 700 MHz band by June 12, 2010. For many performing arts organizations, migration out of this band caused unanticipated expenditures of \$25,000 to \$100,000 for the purchase of sound equipment that could operate in a different area of the spectrum.

As the FCC reviews options for rulemaking on the recently approved spectrum auctions, we request that you consider the burden already borne by the performing arts community. Should another move in the broadcast spectrum be deemed necessary, we estimate conservatively that the cost to our community for equipment replacement would be at least \$17.5 million. We respectfully request that the FCC require entities moving into spectrum currently being used by performing arts wireless microphones help fund the relocation of this equipment.

Public Service by the Performing Arts

Performing arts organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; and in providing education, enlightenment, entertainment. They also contribute to local economies in every community across this country. Performances by opera and dance companies, symphony orchestras and regional and community theaters, reach a combined audience of 190 million Americans annually, and they collectively represent an annual \$7.8 billion dollar industry.

Given the thousands of performances held by arts organizations each year, the use of wireless microphones is both essential to producing high-quality performances and also mitigates against significant public safety concerns. Professional wireless capability, with successful interference protection, is essential to our sector.

The Performing Arts are Vital

We appreciate the FCC's ongoing efforts to work toward better and more efficient spectrum sharing that assures interference protection and does not demand an unbearable cost to performing arts organizations. In closing, the Performing Arts Alliance hopes the FCC will rule in such a way as to protect a vital sector in American society — the performing arts and the audiences we serve.

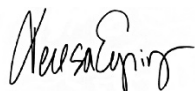
Respectfully submitted,



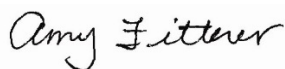
Ann Meier Baker
President & CEO, Chorus America



Mario Garcia Durham
President & CEO, Association of Performing
Arts Presenters



Teresa Eyring
Executive Director, Theatre Communications Group



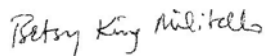
Amy Fitterer
Executive Director, Dance/USA



Ed Harsh
President & CEO, New Music USA



Adam Huttler
Executive Director, Fractured Atlas



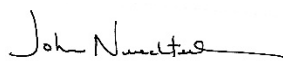
Betsy King Militello
Executive Director, National Alliance for Musical Theatre



Margaret M. Lioi
CEO, Chamber Music America



Maria Lopez de Leon
Executive Director, National Association of Latino Arts
and Cultures



John Nuechterlein
President & CEO, American Composers Forum



Jesse Rosen
President & CEO, League of American Orchestras



Marc Scorca
President & CEO, OPERA America



Carlton Turner
Executive Director, Alternate ROOTS



Mark Valdez
Executive Director, Network of Ensemble Theaters



MK Wegmann
President & CEO, National Performance Network